

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JAMES JOSEPH HAMILTON,)	
Register No. 182603,)	
)	
Plaintiff,)	
)	
v.)	No. 06-4018-CV-C-SOW
)	
MATT BLUNT, et al.,)	
)	
Defendants.)	

ORDER

On August 30, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on September 8, 2006, and supplemental pleadings filed on August 31, 2006. The issues raised in plaintiff's exceptions and supplemental pleadings were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's August 30, 2006 Report and Recommendation is adopted [59]. It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that plaintiff's motions for preliminary injunctive relief are denied [7, 17, 26, 33, 42, 53]. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915(g). It is further

ORDERED that plaintiff's motion for leave to file an amended complaint is denied [60].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: September 22, 2006